

TAKEN BY THE HORNS

LEGISLATIVE BOVINE IN THE GOVERNOR'S GRASP.

HOLD OR BE TOSSED

SIX REASONS WHY THE RAILROAD BILL IS A FRAUD.

COURTS INCIDENTALLY ROASTED

NO EXTRA SESSION LIKELY TO BE CALLED BEFORE MAY.

Pro-Harris Bill Men Are Sure That the Maximum Rate House Cannot Be Coerced Into Drinking.

Topeka, Kan., March 9.—(Special.)—Governor Leedy watched the legislature square in the face this morning. He vetoed the railroad bill on the ground that it was a lot of equivocal rot that meant nothing and said a good deal less. He says that it affords no relief to the shippers and simply makes a justice of the peace court of the board of railroad commissioners.

He says nothing of calling an extra session, but it is generally considered here that the message means that Mr. Leedy will not talk concerning the matter and acts just as he did in regard to the railroad bill when that measure was first transmitted to him.

Quite a good many of the representatives and senators say that Leedy is just bull-headed enough to veto the bill and then call an extra session, which, they say, will complete his political ruin.

Hemay call an extra session of the legislature but he cannot secure the enactment of a maximum rate law. It was beyond possibility in the first place and it will be more difficult now.

This veto comes as an expression of the governor's regard for the people over the state who have petitioned him to discontinue the measure out of respect for the party platform. It is also a very pronounced disapproval of the actions of the legislature in electing W. A. Harris to be United States senator.

Quite a good many enemies of the bill have worked for its defeat with this purpose in view, simply because Mr. Harris is said to be the author of the bill.

This veto has caused extremes of approval and disgust, and the Pops seem inclined to beat themselves into oblivion if possible.

SIX REASONS WHY NOT.

Mr. Leedy assigns six reasons for his veto, as follows:

"With, I trust, a proper appreciation of the importance of the problem involved and of my own responsibilities, I have given most serious and thoughtful consideration to senate bill No. 524, and have exhausted the time allowed me under our laws in which to reach a conclusion. With some reluctance I feel compelled to direct your attention to certain deficiencies in this bill and to certain objections to it which arise.

"First—The bill suggests no way by which an aggrieved shipper can secure practical relief.

"Second—The penalties named are so light that they will neither compel obedience to the terms of the law, nor enforce submission to the orders of the commission.

"Third—By its express terms the bill makes of the railroad commission a mere justice of the peace court from which litigants pass to the district court to begin anew the trial of their cause but fails to give to this tribunal even the power to compel attendance and to enforce its decrees with which less august functionary is gifted.

"Fourth—Offering the shipper no defensible advantage that is not his under the present legislation, and securing to him no means of redress that is not his already by virtue of the ancient principles of the common law, this bill actually circumscribes the rights that he would have under the common law, in that it induces him to struggle before the railroad commission, which only lands him in the district court in no better position than that of his contemporary who begins his action there without reference to this statute, but who has not lost the time consumed before the commission.

"Fifth—The bill itself offers opportunity and suggestions for such an infinite array of technical legal complications that it is difficult to see how anything can be definitely accomplished under its provisions.

"Sixth—An attempt on the part of the railroad commission to go into court and enforce their recommendations would involve the expenditure of large sums of money for which this legislature has made no appropriation and without which the bill would be wholly ineffective, leaving the commissioners with neither power to give effect to their opinions, nor to have them heard in the court of justice which can enforce its decrees.

Here follows a long, dry review of the bill, which is an effort to prove his position.

COMMON LAW BEATS IT.

Referring then to the powers of the commission, he continues:

"This commission is so utterly impotent that the provisions in this bill against discrimination, supported as they are by no penalty that is sure of enforcement, offer the shippers no advantage over present legislation that he can hope to maintain against the legal technicalities of which corporations would avail themselves. The only means of redress that this bill secures him is an opportunity to go before court or commission and prove that he has been robbed. This right, the common law, which is inherited from his fathers and which is still the law of Kansas except when a statute steps in, amply secured to him. If he goes into court and begins an action under his old common law right, he saves the time which another complainant spends before this commission, only to find himself by appeal of the corporation in the district court a few months behind his common law brother and with no start

there which the other man had not enjoyed."

In regard to the section that provides for the establishing of rates he says:

"How can a rate on a particular article, for instance, cattle from and to certain points be used as a basis for rates upon all of the other commodities, hundreds, possibly thousands, in number, from and to all other points on the line in question? If an adjudication under this section does not establish a basing rate for all points on the line of the particular road, there must then be a separate complaint in respect to the charges for the transportation of all the different articles of traffic before a general freight schedule could be established by the present generation will have ceased, and the next generation will have to have interest in the subject of railroad transportation before the schedule is complete. This section, which is the only one conferring power in express terms upon the commissioners to establish rates, it must be admitted, is of no practical value.

"It may, however, be claimed that under sections 17 and 20, inclusive, power is vested in the board of railroad commissioners to make general schedules of rates applicable through the state, and that under the proceedings therein outlined an appeal from such determination of the commissioners will lie to court. A critical examination of these sections may leave this question in doubt. The most that can be said is that it is doubtful, with the better view inclining against the possession of such power by the commissioners. A power so important and necessary to the regulation of the transportation companies and the protection of the rights of the public should not be left to strained and technical niceties of construction, but should stand out in the body of the law so plain that everyone who reads may understand and know. That the legislature did not intend this bill to confer power on the commissioners to establish general schedules of rates, and, further, to make it their duty to do so, is clearly evidenced by the fact that propositions, in both houses, to confer such power were defeated.

"Notice that while section 17 makes it a duty of the commissioners to apply to the district court for process to compel obedience to their recommendations, it is nowhere required that they go to the supreme court for this order. Here again a judicial interpretation would be necessary. While section 5 again attempts to establish an anti-pass regulation, it does so in apparent obliviousness of the title of the bill, and is, in any event, so qualified by section 23, which permits the issuance of mileage excursions for the convenience of passengers, that it is probably of practical value whatever it there should be any disposition to evade its terms. There is about this bill a general air of indefiniteness and uncertainty discernible to the most casual inspection, which seems to me to be open to a vast array of legal technical objections. With such a future before it, it is almost impossible to hope that any enforcement of its provisions can be had which would be of any real or practical value to those who complain of the charges and the methods of the great railroad corporations."

COURTS GET A SWIPE.

"For 250 years, in England and in this country, the decisions of the courts have been the basis of the law. The regulation of tolls for highways, ferries and wharves was a legislative and not a judicial function, and there is no intimation in any decision of the supreme court of the United States, down to the year 1855, that the courts dreamed that they had any power to interfere. Up to that time it was uniformly held that the regulation of common carriers was a matter wholly within the province of the legislature, and if injustice were done to any party an appeal must be to a subsequent legislature and not to the courts. In 1855, in passing upon the case of Stone vs. The Farmer Loan and Trust Co., the supreme court gave the first intimation that the court had changed front on that proposition, and in the various decisions from that time on the courts have steadily and in every case gone a little bit farther in declaring their rights to jurisdiction in this matter; but twelve years of usurpation compared with 250 years of justice is a small matter, and the signs of the times are that by the time a suit started now in pursuance of a maximum rate passed by the legislature should get to the court of final jurisdiction, the courts would be in a position to declare that the highest courts who now usurp authority not granted to them by the constitution or by the laws, will be driven from their positions by the people and their stolen robes of justice be placed upon the backs of honest men."

Closing, Governor Leedy says he can't become a party to defeating the people's wishes and their welfare by signing any such measure.

EMPLOYMENT BUREAUS.

A bill amending the old election law relating to cities of the first class so as to include an employment bureau passed the senate yesterday afternoon.

TELEGRAPH AND EXPRESS BILLS.

A fresh batch of gag rule was hung over the minority side of the house yesterday by the Populist leaders. The telegraph and telephone bill was placed on the reading, subject to amendment and debate, but when it came up last night the majority passed the whoop along and boosted the measure to a roll call, refusing to recognize a member on the Republican side even to ask for printed copies of the bill. It was passed by a vote of 51 to 14, and puts all telegraph and telephone companies under the supervision of the state board of railroad commissioners, who shall proceed to ascertain and assess the value of the property of all such companies doing business in this state.

Along with this, an anti-express bill was put through by a vote of 63 to 23. Sections 2 and 3 of this bill are interesting for the reason that they constitute a little dose on the side of what the conservative Pops have always refused to take.

Section 2.—The board of railroad commissioners of Kansas shall have power, and it shall be its duty to fix and establish reasonable and just rates for collection and of charges for each class and kind of property, money, papers, packages, and things which by the contract of carriage are to be transported by such express company between points wholly within this state, which rates and charges may be made to apply to all such companies, and may be changed or modified by the board of railroad commissioners from time to time, as may be deemed necessary. Said board of railroad

(Continued on Second Page.)

LIKE ALL "REFORM"

POPS AT GUTHRIE DON'T HIT WHERE THEY LOOK.

Fee and Salary Bill Passes the Council, With the Usual and Quite-to-Be-Expected Discrepancy Between Pop Promise and Pop Performance—What the Bill Provides in the Way of Compensation for the Barons of Public Office—Woods County's Disembowelment—The Penitentiary Fight.

Guthrie, O. T., March 9.—(Special.)—The fee and salary bill which passed the council last night makes no changes whatever in the fees allowed to be charged by court clerks and officers under the much abused Fegan law. The salaries of county officers are reduced in some instances, but by no means conforming to the extravagant pledges made by the Demo-Pop-erators last fall when they were after votes. If the bill becomes a law the sheriff will be allowed to retain out of the fees provided by law, exclusive of allowances made to his deputy and under sheriff, \$1,500 in counties of 10,000 inhabitants or less; in counties of not less than 10,000 nor more than 14,000 inhabitants, \$2,000; in counties of not less than 14,000 nor more than 18,000 inhabitants, \$2,500; in counties exceeding 18,000 inhabitants, \$3,000.

Probate judges are allowed to retain out of fees collected \$1,000, \$1,200, \$1,400 and \$1,600, according to the population of the county.

Registers of deeds shall be allowed to retain out of fees collected, for salary, \$800, \$1,200, \$1,600 and \$2,000, according to population of county. The register is also allowed to retain 50 per cent of the fees collected by him in excess of the salary allowed, and pay his clerk hire.

County clerks are allowed \$700, \$1,000, \$1,300 and \$2,000, according to population of county, and pay his clerk hire.

County treasurers are allowed \$800, in counties of less than 10,000 inhabitants, \$1,500 in counties of not less than 10,000 nor more than 15,000 inhabitants, \$1,800 in counties containing not less than 15,000 nor more than 18,000 inhabitants, \$2,200 in counties over 18,000 inhabitants. The treasurer is to pay clerk hire out of his salary.

The county surveyor will receive \$5 a day while making surveys.

The coroner will receive \$4 per day while holding inquests.

Witnesses attending before any court, or before any judge or commissioners will receive \$1 per day and 5 cents mileage. Jurors in district courts receive \$1 per day and five cents mileage.

In all cases where the fees in criminal cases except misdemeanors, for the clerk, constables and justices of the peace are not paid by the defendant or the prosecuting witness, one-half the amount shall be paid by the county; provided that in no case shall the county pay any fees in any case to the above named officers where the offense charged is less than a felony. The total amount of fees paid by the county to any justice of the peace or constable shall not exceed \$50 per quarter.

The county commissioners are allowed a salary of \$150, \$200 and \$250, according to the population of the county.

The county superintendent of public instruction will receive per year \$400 in counties containing 1,000 and not more than 1,500 school population; \$500 in counties having a population of 1,500 or more, and \$15 per annum for each additional 100 such persons. In counties of less than 1,000 school population the superintendent receives \$3 per day, not to exceed 100 days in any year, and no superintendent's salary shall exceed \$1,000 per annum.

Section 25 provides that when any unorganized territory is attached to any county for judicial purposes, the population shall be added in fixing the amount of salary of district treasurer, county clerk and county attorney.

In counties having less than 10,000 inhabitants where the assessed valuation of property exceeds that of any county having from 1,000 to 1,400 inhabitants, the sheriff, treasurer, county clerk and county attorney of the counties having less than 10,000 inhabitants shall be allowed to retain the same compensation as in the counties having larger population.

This act takes effect after the first Monday in April, 1897.

HOUSE PROCEEDINGS.

The house passed at its last evening session a bill taking away the power of the governor to remove territorial officials except in such cases and for some reasons that county officials are removed. This means for county officials that they will be removed by the legislature and not by the governor. The bill was never printed. It was quickly taken to the council and that body also passed it last evening.

The bill is generally laughed at even by the Democrats of the city. The case with which it passed the two bodies shows that even its members do not think they can take away the power from the governor the bill makes it read that the deaf and blind be confined for under some contract as the insane. The bill was referred back to the committee. There being no objections to its going again to the committee on ways and means, the bill went to the committee on asylums and public charities.

House bill No. 191, to amend section 23, article 41, of session laws of 1895, entitled "procedure criminal," was passed. It provides for a wife's and husband's testimony for each other.

Council bill No. 15, providing for the raising and collecting of taxes and repealing the statute entitled "revenue," was passed.

House bill No. 147, relating to revenue and providing that the assessor shall begin taxing property after the first Monday in March and other things was passed.

Council bill No. 43, relating to cities of the first class, was passed.

TO DISCOURAGE TRUSTS.

State Senator of Pennsylvania Has a Brilliant Thought.

Harrisburg, Pa., March 9.—In the state senate today, Senator C. I. Magee, of Pittsburgh, introduced a resolution providing that the senators and representatives from Pennsylvania be requested to advocate the enactment of the new tariff bill of a provision empowering the president to waive duties upon dutiable articles in the schedule when it is shown that the production and sale of such articles are controlled or restricted by any pool, trust or corporation."

The resolution was referred to the committee on federal relations.

FEW VACANT CHAIRS

REPUBLICAN SENATORS ADMONISHED TO BE PRESENT.

Reasons for Particular Zeal in This Direction Not So Apparent, However, Since All Parties Have Agreed to Preserve the Existing Order of Things, Organization, Committee Personnel and All, Until the Convening of Congress in Regular Session Next December—Appointed Senators.

Washington, March 9.—There will probably be few vacant seats in the Republican side of the chamber when the senate meets at noon tomorrow. There will be none of the admonition of the Republican advisory committee is observed, for notices were sent by the committee today to all the Republican senators asking them to be in their seats promptly upon convening tomorrow.

The purpose of the notice can only be surmised by its recipients. They conclude, however, that it was connected in some way with the organization of the senate or with possible efforts that might be made to seat the gentlemen who have been appointed to the senate to fill vacancies from the states of Oregon, Kentucky and Florida. It is understood that the credentials of some of those appointed will be presented tomorrow. A rumor has been current during the day attributing to the Democrats, Silver Republicans and Populists and intention to try to secure control of the senate at a very early day. If the notice grew out of either of these circumstances which transpired after they were sent out, will probably render them unnecessary.

THE STATUS QUO.

The day was again crowded with conferences by the leaders of the various parties, and when night arrived it was pretty definitely understood on all sides that the organization, which had been threatening for several days, should not take place, and that the present situation should be maintained; that the Republicans should retain the control of the committees and the Democrats of the general offices. Though formal agreement to this effect may be postponed for a few days, the preliminaries were agreed upon by the representatives of all parties today, and it looks now as if there would be no obstacles to the consummation of the deal.

This agreement is to be binding only during the present special session of the senate and the coming extra session of congress, it being understood that hostilities will break out again next December, when congress will convene in regular session.

COMMITTEE VACANCIES.

The compact provides for the appointment of new senators to fill vacancies caused by the retirement of their predecessors and that Republicans shall be appointed in the places of retiring Republicans and Democrats in the places of retiring Democrats. This will give the Republicans the opportunity to fill all the vacant chairmanships. The most important of these are on the committee on foreign relations, naval affairs, privileges and elections and public lands.

Senator Davis has already been placed at the head of the foreign committee. It is understood that Senator Shoup will succeed Mr. Davis as chairman of the territories, and that Senator Hansbrough will go to public lands, and it is probable that Senator Hale will take naval affairs, and Senator Chandler privileges and elections. The two vacancies on the finance committee occasioned by the retirement of Senators Sherman and Voorhees will be filled by the appointment of a gold Republican to succeed Sherman and a Silver Democrat to take Voorhees' place.

The agreement also provides for the reference of the credentials of each of the senatorial appointees to the committee on privileges and elections, where, it is understood, they will not be disturbed until the regular session in December. There are some members of the senate of all factions who oppose this program, but the conservatives, who generally control, are in favor of it.

STEERING COMMITTEES.

Senator Allison, chairman of the Republican steering committee today. They are as follows: Allison, chairman; Hale, Aldrich, Cullum, Davis, Sewall and Carter.

EXTRADITION TREATIES.

The extradition treaties with the Argentine Republic and with the Argentine Republic, which were amended by the senate last session so as to be acceptable to President Cleveland, are to be taken up and ratifications are expected by this administration. Mr. Cleveland insisted on the retention in the treaties of clauses authorizing the delivery of the citizens of one nation to the other upon charges included in the treaty. The senate amended this so as to make it optional, but not necessary, for the United States to surrender its own citizens, President Cleveland did not totally reject the amended treaties, but left their consummation to his successor, who will exchange ratifications.

SENATOR HARRIS' HEALTH.

Senator Harris expects to leave the city for Mississippi next week. Mr. Harris' condition is so far improved that he will probably be able to travel in a week or ten days. It is not thought that he will attend the sessions of the senate during the special session. He suffered so severely from the grip that for a time his friends despaired of his recovery.

DEMOCRATIC SENATORS.

Hold a Caucus and Discuss the Chances of Senate Organization.

Washington, March 9.—The Democratic senators were in caucus for an hour and a half today considering the advisability of forming a coalition with the Silver Republicans and Populists for the control of the senate. The meeting resulted in nothing beyond a general exchange of views and the authorization of Senator Gorman, chairman of the caucus, to appoint a new steering committee to consider the situation in all its bearings and report to a future conference. There was a very general attendance of Democratic senators, though Senator Lindsay was the only gold Democrat who was present. Neither Senator Gray nor Senator Caffery were there but it was not believed

NO HURRY ABOUT IT

ADMINISTRATION WILL GIVE OUT OFFICES SLOWLY.

TARIFF BILL FIRST

HAY, PORTER AND CLAYTON WILL BE PROVIDED FOR

WITHOUT MUCH LOSS OF TIME

SPANISH MISSION IS A JOB THAT NOBODY WANTS.

About Applicants and Their Chances—How the Day at the White House Went—First Cabinet Meeting.

Washington, March 9.—All officers of the new cabinet have indicated a purpose to go very slowly in the change of the personnel of their departments. This is not very cheerful news to office-seekers and has been communicated directly to many of the aspirants who have been unable to repress their ambitions; and, to add to their discomfort, it is intimated in some quarters that there are to be very few changes in office, save where the incumbents insist upon immediate retirement, for some time to come. This may be an over-estimate of the conservatism displayed by the administration, but it is recalled that Mr. McKinley, before his inauguration, held to the view that the changes in office, with all their accompanying confusion and derangement of business, should not be undertaken until the tariff bill is enacted. This view is brought freshly to mind by the statement made today that a prominent assistant secretary in one of the executive departments has been asked to remain in his place for five months.

SPAIN IS A WALLEFLOWER.

It is expected that tomorrow John Hay will be named ambassador to Great Britain and Mr. Horace Porter of New York ambassador to Paris, and that there may be a few other nominations, including General Powell Clayton of Arkansas as minister to Mexico. One of the most important missions the president will have to fill will be that of minister to Spain. In view of the Cuban insurrection, this post is one demanding the exercise of great tact and skill, and the indications are that Mr. McKinley will go very slowly and deliberately in changing our minister there. Few of the thousands of applications for office enter the post, which seems not to be in great demand, and it is certain that up to Sunday Mr. McKinley had no one in mind for it.

FARMER WILSON'S HIRED MAN.

President McKinley has definitely settled upon J. H. Brighman of Ohio for assistant secretary of agriculture, and the nomination doubtless will be sent to the senate within a few days. Mr. Brighman is master of the National Grange. He is a war veteran and has figured considerably in Ohio politics, and is an old friend of the president.

Postmaster General Gary had a very busy day, receiving scores of visitors. Senator Mark Hanna called late in the afternoon and had an interview, lasting scarcely more than five minutes. It was his first call on the head of the department. Senator Brewster and Representative Huff and House of Representatives were among the other visitors.

COMMISSIONER OF PATENTS.

Washington, March 9.—A large number of candidates have entered the field for the commissioner of patents. Ex-Congressman Benjamin Butterworth of Ohio is being urged by most of the prominent Washington attorneys to fill the place, which he occupied under a former administration, but it is not known that he would take it. Charles A. Miller of Canton, Ohio, is a formidable candidate, and some of his friends claim that his father, a well known Ohioan who died about the time of the election, was promised the appointment for the senate. John A. Westerman, a Philadelphia attorney, is putting up a strong fight and there are applicants scattered all through the country, including State Senator Robert M. Wilds of Illinois and N. I. Frothingham, assistant commissioner in the Harrison administration.

PENSION PLACES.

Ex-Congressman Ryan of Kansas and Major William Warner of Missouri are the leading aspirants for the first assistant secretaryship of the interior.

It can be stated that no section has yet been determined upon for commissioner of pensions. Major Theodore I. Poole, ex-congressman from the Syracuse district in New York, and the possessor of a splendid war record, and ex-Representative Pickens of South Dakota are leading candidates.

Ex-Congressman Finger Hermann of Oregon is said to be a certainty for either commissioner of the general land office or of Indian affairs.

FIRST CABINET MEETING.

Other Events of the Day at the Executive Mansion.

Washington, March 9.—President McKinley and his cabinet held their first formal meeting at 11 o'clock today. There was the usual early rush of present men, many of whom were received by the president.

Several notable groups arrived about 10 o'clock. First was that embracing the Silver Republican senators, Teller of Colorado, Pettigrew of South Dakota, and Cannon of Utah, who withdrew from the St. Louis convention. With them was also Senator Warren of Wyoming. They spent five or ten minutes with Mr. McKinley. It was entirely a call of courtesy and no allusion to party or politics was made. The president showed his usual cordiality, and there was no evidence in manner or word of the divisions resulting from the national convention.

Following this group came another comprising the entire Republican majority of the senate and house committees, headed by Chairman Dingkey. This too, was a call of courtesy and no reference was made to the tariff.

THE SWEDISH MISSION.

Senator Allison and Representative Delivar of Iowa called to urge the appointment of State Senator Arneson

BULLETIN OF THE WICHITA DAILY EAGLE.

Wichita, Wednesday, March 10, 1897.

Weather for Wichita today: Fair; warmer; variable winds.

Sun—Rises, 6:10; sets, 6:02. Moon—Waxing; sets, 12:28.

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